REMARKS

Claims 38, 40-49, 54, 55, 57, and 58 are pending.

In an Official Action dated Sep. 25, 2007, all claims were rejected under 35 U.S.C. § 103. The rejections are respectfully traversed.

Interview Summary

Applicants thank the Examiner for the courtesy of a telephonic interview on Dec. 12, 2007. At the interview, Applicants' undersigned representative raised various of the issues presented in this response for the Examiner's consideration. Applicants agreed to prepare a written response for the Examiner's further consideration.

Rejections Under 35 U.S.C. § 103

Claims 38, 40-49, 54, 55, 57, and 58 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,634,123 (Bennion) in view of one or more of U.S. Patent No. 6,266,673 (Hong), U.S. Publication No. 2004/10220946 (Krishnaprasad), U.S. Patent No. 6,012,067 (Sarkar), US Patent No. 6,904,454 (Stickler), and US Patent No. 6,631,130 (Roy). The rejections are respectfully traversed.

Claims 38, 40-48 and 58

Claims 38 and 40-48 were rejected as allegedly unpatentable over Bennion in view Hong, and also relying upon Sarkar in the rejection of claims 40-43, and on Stickler in the rejection of claims 45-48. Claim 58 was rejected as allegedly unpatentable over Bennion in view Roy. Applicants traverse the rejections of these claims over the cited references because the references fail to teach or suggest at least, "a binary fragment associated with said object, said binary fragment comprising a binary fragment header and a binary fragment payload, wherein the binary fragment payload comprises all primitive data members of said object and wherein said primitive data members are in a storage engine record format" as recited in independent claims 38 and 58.

The Official Action alleges that this limitation can be found in Bennion. This allegation is incorrect for a number of reasons.

The Official Action admits on page 4 that Bennion does not explicitly teach "wherein the binary fragment payload comprises all primitive data members of said object". However the Official Action states that "since each record within the COMPANY object may be classified as either a container record or a data-containing record (i.e. a primitive data member)(col. 3, lines 19-22, Bennion), it is obvious that said plurality of primitive data members are all of the primitive data members of the object." Two mistaken conclusions appear in this statement:

1. First, by stating "a data-containing record (i.e. a primitive data member)" it appears the Official Action considers Bennion's data-containing record equivalent to a primitive data member as recited in Applicants' claims. This is incorrect. Bennion makes no mention that "data containing records" are equivalent to primitive data members, as the term is understood by persons of skill in the art. Instead, Bennion states that "there is provided a system and method for data management permitting storage and communication of *different types of data...*" Bennion col. 1, lines 40-42. This statement indicates that Bennion's data-containing records could contain a variety of data types, not necessarily including primitive data members.

2. Second, by finding "since each record within the COMPANY object may be classified as either a container record or a data-containing record (i.e. a primitive data member)(col. 3, lines 19-22, Bennion), it is obvious that said plurality of primitive data members are all of the primitive data members of the object," it appears that the Official Action considers Applicants' claimed binary fragment to be equivalent to the COMPANY container record disclosed in Bennion, e.g. at Bennion Fig. 6, item 600, while Bennion's data-containing records would supposedly be equivalent to "all primitive data members of said object ... wherein said primitive data members are in a storage engine record format."

Assuming, arguendo, that this view of Applicant's above claim limitation and Bennion were correct (even though it is not correct – Applicants binary fragment is clearly not an assortment of various container records and data-containing records as disclosed in Bennion), then a problem arises in the Official Action's assertion on page 6 that Bennion discloses "at least one additional fragment comprising at least one non-primitive member of the object." The problem is that the Official Action is first asserting that Applicants' claimed binary fragment is equivalent to Bennion's COMPANY container record, and therefore

contains *all* of the records for the *entire* object, and next asserting that Bennion discloses at least one additional fragment. In other words, the Official Action is stating that one fragment/record contains all records for an object, but then there is at least one additional fragment/record. The truth of the first conclusion excludes the possibility of the second conclusion.

Applicants would also like to note for the record that Bennion does not disclose primitive data members in a storage engine record format, as stated in Official Action page 4. A hierarchical structure as provided in Bennion is not a storage engine record format. Refer for example to Applicants' Fig. 10, which illustrates columns and rows.

Another example of the many inaccuracies that arise in the Official Action's attempt to map the teachings of Bennion into the mold of Applicants' claims, when in fact very little similarity exists, is found in the Official Action's assertion on page 3 that a binary fragment is disclosed by both Bennion Fig. 2, item 200 and 201. Item 200 is a container record (*see* Bennion col. 5, line 10). Item 201 is a data-containing record (*see* Bennion col. 5, line 30). However, Bennion states, "No record is both a container record and a data-containing record. Bennion col. 3, lines 23-24. Therefore, it appears the Official Action alleges that "a binary fragment" as taught by Applicants' claims is *both* a container record and a data-containing record, in violation of the teachings of Bennion itself.

The various other references of record fail to cure the deficiency of Bennion. Dependent claims 40-48 define over the references for the same reasons as independent claim 38.

Claims 49, 54, 55, and 57

Claims 49 and 54 were rejected as allegedly unpatentable over Bennion in view Krishnaprasad, Sarkar, and Stickler. Claims 55 and 57 were rejected as allegedly unpatentable over Bennion in view Hong and Stickler. Applicants traverse the rejections of these claims over the cited references because the references fail to teach or suggest at least, "a collection start fragment comprising a collection start header" as recited in independent claims 49 and 55.

The Official Action alleges on page 10 (referring to claim 45) that this limitation can be found in Bennion. This allegation is incorrect.

The Official Action apparently concludes that a collection start fragment is equivalent to a container record as taught by Bennion. See Official Action page 10, citing Bennion col. 1, lines 56-63). However, Bennion states that, "container records contain other records." Bennion col. 3, lines 22-24. In contrast, there is nothing in Applicants' claims or specification to indicate that a collection *start* fragment would "contain other records." Please refer to Applicants' specification paragraph 0049 and Fig. 11(E).

Furthermore, the conclusion that the claimed collection start fragment is equivalent to Bennion's container record ignores the plain language of the claim. Namely, a collection *start* fragment is a fragment at the *start* of a collection, not a *container* of other records as taught by Bennion.

Finally, Applicants point out that, even if the difference between a collection *start* fragment versus a "container" were ignored, there is no teaching or suggestion in Bennion that a container record contains a *collection*. Bennion defines container records as records that contain other records, and do not contain data. Bennion col. 3, lines 22-24. In contrast, collection data as may be in a collection element payload in Applicants' claims comprises, "only a data member of a collection element data type, said collection element data type comprising data of a same type as every collection element associated with said collection start fragment." See Applicants' claims 49 and 55. Bennion provides no indication that such collection data would be contained in a container record.

Applicants also point the Examiner to additional distinctions between Applicants' claims and the references of record that explained in Applicants' previous responses. Applicants' response of October 27, 2006 explains on pages 8 and 9 that while in Bennion, some records identify themselves as containing other records, or containing data, no records identify themselves as starting a collection or as a member of a collection, as recited in Appplicants' claims. This same section of Applicants previous response also explains why the disclosure of Stickler cannot be said to teach or suggest any aspects of Applicants' claims.

The various other references of record fail to cure the deficiency of Bennion.

Dependent claims 54 and 57 define over the references for the same reasons as independent

claims 49 and 55.

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